



JUSTICE ADMINISTRATION DEPARTMENT

HARRIS COUNTY, TEXAS

Jim Bethke, Director
1115 Congress St., 6th floor
Houston, TX 77002
(832) 927-6990

Memorandum

To: Members of Commissioners Court
From: Jim Bethke, Director
Date: July 9th, 2020
Subject: Status memo on racial and ethnic disparities reporting in the Harris County criminal justice system.

Research Scope: On June 9th, Commissioners Court adopted a motion made by Commissioner Rodney Ellis instructing the Justice Administration Department (JAD), the Harris County Sheriff, and all appropriate county departments to develop and submit a bi-annual report on the current racial disparities in the Harris County criminal justice system. The JAD was instructed to collect, track, and report this information regularly. The initial report must: 1) track disparities at various stages of the criminal justice process from patrol to case disposition, 2) identify the root causes of those disparities, and 3) provide evidence-based recommendations to remedy the identified disparities. Commissioner Adrian Garcia made the second adopted motion. The motion instructed JAD and the Commissioners Court Analyst's Office (CCAO) to analyze existing racial profiling data produced by law enforcement. Once the initial report is complete, there will be a public hearing at the Criminal Justice Coordinating Council meeting to present the report findings.

The JAD was asked to report back to Commissioners Court 60 days from June 9th with a report update and notify the court within 30 days if there are barriers to collecting racial and ethnic data as well as an explanation of what resources would be necessary to address any the data collection barriers. This memo provides a status of were JAD is with this request.

Report Methodology: The methodology JAD will use to fulfill the scope of the request includes the collection and analysis of all existing racial and ethnic data across crucial decision points of the criminal justice system. JAD will conduct interviews with experts on data collection and analysis, criminal justice practitioners collecting such data, and other

relevant stakeholders. JAD will identify jurisdictions who accurately collect and analyze racial and ethnic data to inform their decision-making process, and will examine how other jurisdictions have addressed racial and ethnic disparities throughout the various stages of the criminal justice process from patrol to case disposition. The recommendations will include the feasibility of the implementation of best practices within Harris County. Finally, JAD will collect and analyze existing racial profiling data produced by law enforcement and will include the findings in the report. Eventually, JAD plans to work closely with PFM, which has been procured by the county to provide a comprehensive analysis of the Harris County criminal justice system. Their reporting is scheduled to be completed in December 2020. JAD will utilize the initial deliverables as a blueprint for the fuller PFM report.

Report Limitations: For purposes of reporting, we have broken down this item into phases. Each phase will provide a set number of deliverables related to the initial request.

Data across the eight decision points described below is stored in various data systems. JAD has identified at least five separate databases containing relevant information required to complete the data analysis across each decision point. It is important to note that each decision point builds upon the analysis of its predecessor; with that in mind, it is essential to analyze in numeric order. At present, JAD has requested access to two data systems where information regarding decision points one and two are collected. At the time of this status memo, access had not been granted.

Given our limited access to data, our analysis of racial and ethnic disparities is not possible at this point. At present, there is a challenge with the collection of ethnicity data. The Texas Department of Public Safety does not require the collection of such data, and therefore, the validity of what is reported is questionable. As part of our initial research for this memo, we have included a short term strategy to presenting the best possible data regarding race and ethnicity while planning for a long term approach to ensure we regularly collect the best data. We have not begun the implementation of this short term strategy due to lack of access.

There is also an effort underway to consolidate the current Harris County offense codes, state penal codes, and uniform crime reporting categories. This step will ensure that our data is comparable to other jurisdictions that have completed similar analyses.

Critical Decision Points and Definitions of the Criminal Justice System:

- 1) **Pre-Arrest** – The point of contact with law enforcement, including patrol patterns.
- 2) **Arrest** – The point of contact with law enforcement where a decision is made not to intervene, to divert for services, or if probable cause exists, to cite and release or arrest and book an individual.

- 3) **Charge** – The decision by a prosecutor to formally charge an individual with a crime. It can also include probable cause review by a magistrate or other, indictment by a grand jury, or prosecutorial diversion.
- 4) **Assignment of Counsel** – The point at which counsel is assigned and the interaction between counsel and defendant pre and post-conviction. It can also include the availability of indigent defense.
- 5) **Pre-trial Release** – One or a series of administrative or judicial decisions to release a defendant outright, set terms of release (financial or non-financial); or detain an individual. This decision point also includes responses to violations of pre-trial release.
- 6) **Case Processing** – The series of touchpoints with the court between arraignment and disposition. This point includes the time standards for each and the extent to which those standards are adhered to. It can also include docketing options and specialty courts.
- 7) **Disposition and Sentencing** – The point at which a judge or jury decides if the defendant is guilty or not guilty or when a plea has been accepted and the judge determines terms for release, supervision, and or incarceration post-sentencing.
- 8) **Post-conviction Process and Supervision**– The point of post-dispositional incarceration, supervision, and programming if applicable. This point also includes time in jail, reentry, and any sort of correctional control in the community.

Cursory Data Analysis:

As JAD works to identify the racial and ethnic disparities found in the Harris County criminal justice system, we are retooling a web-based dashboard that will make race and ethnicity data relevant to decision points available publicly. As outlined above in our limitations section, the information currently available only constitutes data from JWEB (case management system). To ensure the most accurate data is reported, we require full read access to the following databases:

- Superior Database
- Tiburon Database
- Pre-Trial Services Database

Decision Point 2: Arrest

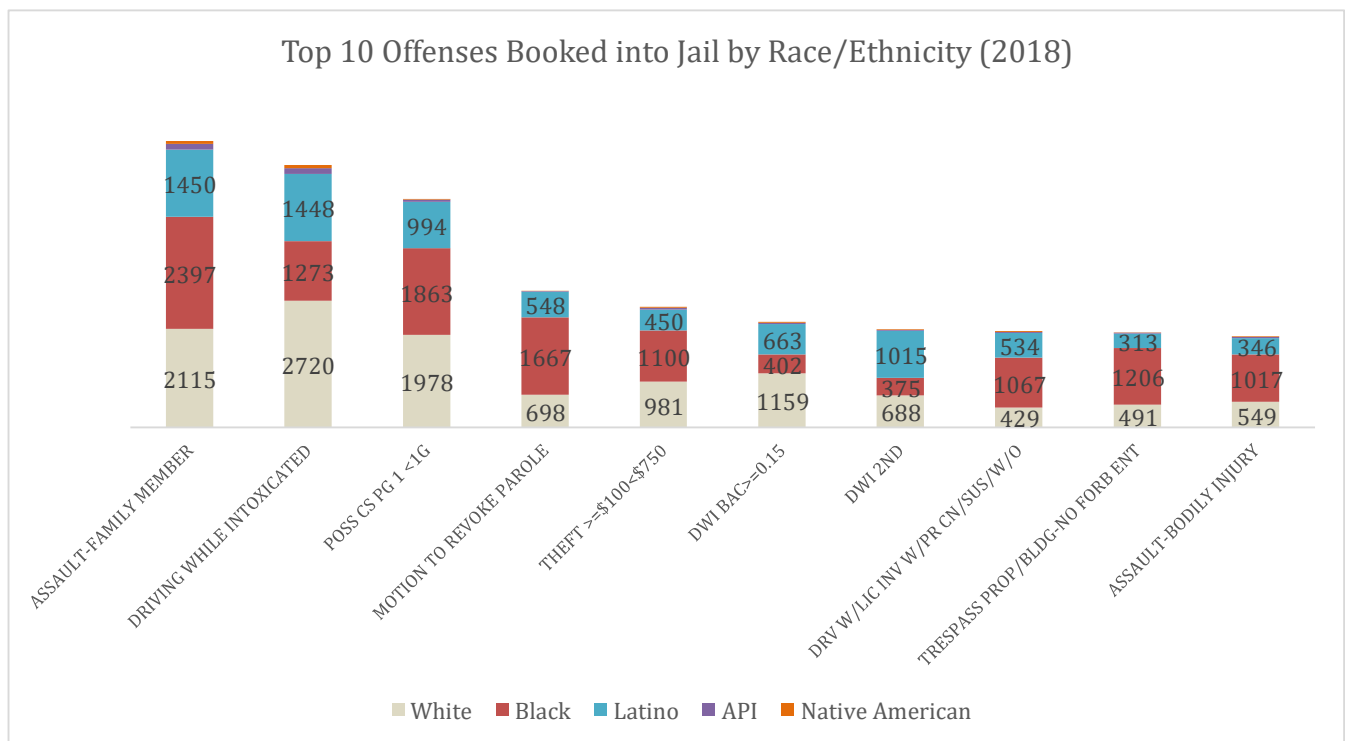
Based on the limited data that is currently available, we have developed the chart below, which displays arrests made by the Harris County Sheriff's Office. Due to missing data and quality, we are unable to provide a precise analysis of the disparities that may exist.

With the existing data, the chart indicates that in 2019 the highest number of arrests across the five Harris County Sheriff Office districts are for "Other Misdemeanors." It also indicates that districts 3 and 4 make the most arrests. In future iterations of this chart, we hope to also visually demonstrate the race and ethnic breakdown of each Offense Type. The site is still in its beta testing phase and, as stated before, requires additional work to validate the data.



As part of the SJC work, JAD worked with the Burns Institute to provide the following data about Decision Points 3 - Charge and 5 - Pretrial Release.

Decision Point 3: Charge



Data Summary

- In 2019, misdemeanor Assault of a Family Member (code 22.01) was the most frequent offense contributing to jail bookings, accounting for 6% of all bookings (6,165/95,546).
- Misdemeanor Driving While Intoxicated (DWI) (code 49.04) was the second most frequent offense contributing to jail bookings, accounting for 6% of all bookings (5,639/95,546).
- Felony possession of CS PG <1G (code 481.1) was the 3rd most frequent offense contributing to jail bookings, accounting for 5% of all bookings (4,923/95,546).

Rate of Jail Booking (per 10,000 adults in Harris County) and Disparity of Most Serious Offense (2018)

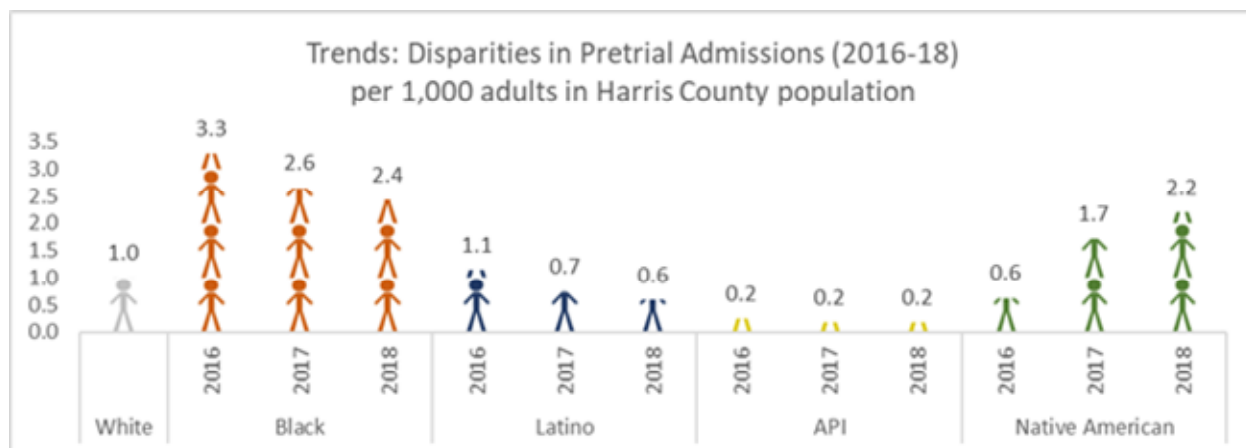
		White	Black	Latino	API	Native American	Total
ASSAULT-FAMILY MEMBER	Rate	18.7	36.2	10.6	4.4	70.8	17.9
	Disparity	1.0	1.9	0.6	0.2	3.8	
DRIVING WHILE INTOXICATED	Rate	24.1	19.2	10.6	4.3	80.1	16.4
	Disparity	1.0	0.8	0.4	0.2	3.3	
POSS CS PG 1 <1G	Rate	17.5	28.2	7.3	1.9	15.1	14.3
	Disparity	1	1.6	0.4	0.1	0.9	
MOTION TO REVOKE PAROLE	Rate	6.2	25.2	4.0	0.4	2.3	8.5
	Disparity	1.0	4.1	0.6	0.1	0.4	
THEFT >=\$100<\$750	Rate	8.7	16.6	3.3	1.5	24.4	7.5
	Disparity	1	1.9	0.4	0.2	2.8	

Decision Point 5: Pretrial Release

Disparity Gap (2018)

	White	Black	Latino	API	Native American	Total
Adult Population	1,128,421	661,462	1,367,902	280,532	8,618	3,446,935
Pretrial Admissions ¹	28,470	40,716	20,183	1,228	477	91,360
Rate per 1,000 Adults	25.2	61.6	14.8	4.4	55.3	26.5
Disparity (Times more likely than White)		2.4	.6	.2	2.2	

Over two years, Harris County has decreased the disparity gaps for the race for both Black and Latinx individuals. It is noteworthy that the rate of change for Black and Latinx pre-trial admission decreases at similar rates, demonstrating that there may not be an effective targeted approach at reducing the most prominent disparity experienced by Black individuals. However, there has been an increase in the disparities regarding pre-trial admission for Native Americans.



¹ Per ISLG's definition: Pretrial Jail Admissions include individuals with one or more pending criminal charges (including warrants) and individuals in jail for a probation or parole violation. Note that individuals who have pending criminal charges and other statuses (for example, sentenced on another charge) are counted in this category.

Next Steps

The completion of the report in a phased approach. *Please note that the timeline for completion of each phase is contingent on full access to the data required for analyses. Without access to the data sources, the expected timeframe is unknown.

Resources: We plan to identify a consultant that can assist JAD with the completion of each phase while we hire permanent policy research and analysis staff. As stated above, the primary goal of this report is to ascertain the needed data to run a proper analysis. JAD will continue to request access to additional data sources that provide data critical to the decision points.

Phase One: (Identify model jurisdictions, decision points one, two, and three analyses, preliminary findings, and recommendations)

- Identify model jurisdictions that have completed such analyses of their criminal justice systems.
- Continue internal stakeholder interviews and validation processes of data and relevant data definitions.
- Obtain and analyze data related to Harris County arrests and jail bookings.

Phase Two: (Decision points four, five, and six analyses, preliminary findings, and recommendations)

- Obtain and analyze data related to the Harris County case processing.
- Provide cursory recommendations regarding the next steps to mitigate racial and ethnic disparities.

Phase Three: (Completed decision point analyses and final recommendations)

- Obtain and analyze data related to the remaining decision points
- Provide final recommendations and completed the final report.